

AWARD OF IMPARTIAL CHAIRMAN

- - - - - X

In the Matter of the Arbitration

X

between

X

OCEANVIEW NURSING AND  
REHABILITATION CENTER

X

Re: Delinquencies  
November 30, 2004 -  
April 30, 2007

"Home"

X

X

-and-

X

1199SEIU  
UNITED HEALTHCARE WORKERS EAST

X

"Union"

X

- - - - - X

**APPEARANCES**

**For the Home**

Wendy Trimboli, Administrator

**For the Union**

MEYER, SUOZZI, ENGLISH & KLEIN, P.C.

Linda E. Rodd, Esq., of Counsel

**BEFORE:** Martin F. Scheinman, Esq., Impartial Chairman

## OPINION

The undersigned is designated as Impartial Chairman in a Collective Bargaining Agreement between Oceanview Nursing and Rehabilitation Center ("Home") and 1199SEIU United Healthcare Workers East ("Union").

The Union filed a Demand for Arbitration on behalf of the 1199/SEIU Greater New York Benefit Fund, 1199/SEIU Greater New York Pension Fund, the 1199/SEIU Greater New York Education Fund, the 1199/SEIU Greater New York Child Care Fund, the 1199/SEIU Greater New York Job Security Fund and the 1199/SEIU Greater New York Worker Participation Fund ("Funds") seeking contributions for the Home's alleged delinquencies in contributions for the period November 30, 2004 through April 30, 2007.

A hearing was held on May 22, 2007. At that time, both parties were afforded full opportunity to introduce evidence and argument in support of their respective positions. They did so. The hearing and record were declared closed on May 22, 2007.

I am mindful of the Home's claim regarding the circumstances it faces because of certain financial difficulty. However, while I am mindful of these concerns, they cannot excuse the obligation of the Home to pay the amounts due. I find the Fund has established the amounts claimed are due and owing.

Subject to any payments made, the amounts due to the Funds through April 30, 2007, are as follows:

1199/SEIU Greater New York Benefit Fund	\$ 135,446.66
1199/SEIU Greater New York Pension Fund	\$ 62,202.60
1199/SEIU Greater New York Education Fund	\$ 3,221.43
1199/SEIU Greater New York Job Security Fund	\$ 1,623.17
1199/SEIU Greater New York Child Care Fund	\$ 3,245.72
1199/SEIU Greater New York Worker Participation Fund	\$ 1,623.17

These amounts must be paid within thirty (30) calendar days. Failure to pay in a timely fashion shall result in interest accruing at the rate of twelve percent (12%), per annum. Whether payment is made in a timely fashion is determined by the date the Funds' Office receives actual payment.

## AWARD

1. The Home owes the Funds the amounts listed below as a result of delinquencies through April 30, 2007:

1199/SEIU Greater New York Benefit Fund	\$ 135,446.66
1199/SEIU Greater New York Pension Fund	\$ 62,202.60
1199/SEIU Greater New York Education Fund	\$ 3,221.43
1199/SEIU Greater New York Job Security Fund	\$ 1,623.17
1199/SEIU Greater New York Child Care Fund	\$ 3,245.72
1199/SEIU Greater New York Worker Participation Fund	\$ 1,623.17

2. These amounts must be paid within thirty (30) calendar days of this Opinion and Award.

3. Failure to pay in a timely fashion shall result in interest accruing at the rate of twelve percent (12%), per annum. Whether payment is made in a timely fashion is determined by the date the Funds' Office receives actual payment.

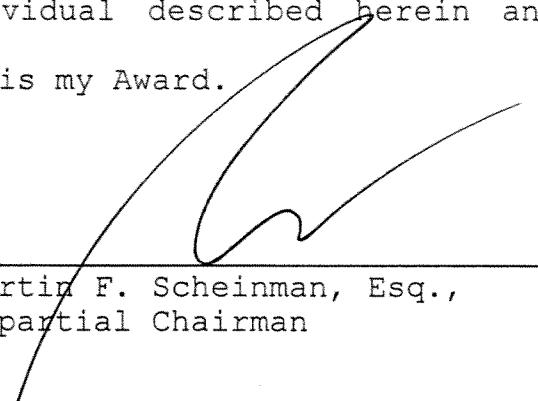
July 5, 2007.

  
Martin F. Scheindman, Esq.,  
Impartial Chairman

STATE OF NEW YORK )  
COUNTY OF NASSAU ) ss:  
 )

I, MARTIN F. SCHEINMAN, ESQ., do hereby affirm upon my oath as Arbitrator that I am the individual described herein and who executed this instrument, which is my Award.

July 5, 2007.

  
Martin F. Scheinman, Esq.,  
Impartial Chairman

OCEANVIEW.DELINQUENCIES07.AWD